

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3956 of 2005

Between:

- 1 Nimmala Venugopal, s/o late Ramakrishnaiah,
r/o Hafeezpet Village, Serilingampally Mandal, Ranga Reddy District.
- 2 Sada Sriramulu, s/o Chinna Jeetaiah,
r/o Hydernagar Village, Balanagar Mandal, Ranga Reddy District.
- 3 Nimmala Narahari, s/o late Veera Mallaiah,
r/o Hafeezpet Village, Serilingampally Mandal, Ranga Reddy District.
- 4 Sada Jalander, s/o late Guraiah,
r/o Hydernagar Village, Balanagar Mandal, Ranga Reddy District.

... PETITIONERS

AND

- 1 District Collector, Ranga Reddy District, Lakadikapul, Hyderabad.
- 2 Mandal Revenue Officer, Balanagar, Ranga Reddy District.
- 3 M/s.Durgamatha House Building Construction Co.operative Housing Society Limited, rep., by its President Sri B.Janardhan, TAB No.276, 139 to 143, 1st Floor, Chenoy Trade Centre, Parklane, Secunderabad.
- 4 IDPL Co.operative Housing Society Ltd., TBC No.230, Vasanthnagar Colony, Kukatpally, Hyderabad, rep., by its President Mr.A.Vijaykumar, r/o Plot No.771, Vasanthnagar Colony, Kukatpally, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction more particularly in the nature of writ of mandamus declaring the action of 2nd respondent in entertaining the applications of respondent Nos.3 and 4 for affecting the mutations of the lands admeasuring 131 acres in respect of Sy.No.163 of Hydernagar Village, Balanagar Mandal, Ranga

Reddy District as illegal and violative of Article 14 of Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.DURGA REDDY THIMMAYYAGIRI

Counsel for the Respondents 1 & 2: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

The petitioners state that the land to an extent of Ac.131.00 cents situated in Sy.No.163 of Hydernagar Village, Balanagar Mandal, R.R. District is the subject matter of O.S.Nos.178 and 179 of 2003 pending on the file of the Court of I-Additional District Judge, R.R. District. The said suits are filed by the respondents 3 and 4 herein respectively against the petitioners as well as some other occupants of the said land. They also sought temporary injunction against the petitioners herein, but the said applications were dismissed by the trial Court holding that they failed to make out prima facie case. Aggrieved by the same, they filed CMA.No.3797 of 2004 and 3798 of 2004 in this Court. By Judgment dated 20-01-2005 this Court disposed of the said Appeals with a direction to maintain *status quo* and also not to alienate, transfer or mutate the said lands till the disposal of the suits pending before the First Additional District Judge, Ranga Reddy District.

The petitioners allege that in spite of the said judgment of the Division Bench of this Court and while the suits are still pending, the respondents 3 and 4-societies have made applications before the 2nd respondent for affecting mutation of suit lands by including their names in the revenue records. It is alleged that no notices have been served on them so far and they apprehend that at the instance of the respondents 3 and 4, the second respondent-Mandal Revenue Officer, Balanagar Mandal is about to affect the mutation. In those circumstances, the petitioners made a representation dated 26-02-2005, requesting the second respondent not to effect any kind of mutation of the lands in Sy.No.163 of Hydernagar Village, till the disposal of the suits. However, their request has not been considered and the second respondent has been proceeding with further steps. Hence, this writ petition seeking a declaration that the action of the 2nd respondent in entertaining the applications of the respondents 3 and 4 for mutation of lands in question is arbitrary and illegal.

Having heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents 1 and 2, and having regard to the nature of controversy involved, I am of the view that the interest of justice would be met if the petitioners are afforded an opportunity to participate in the proceedings pending before the third respondent for mutation of revenue records in respect of the lands to an extent of 131 acres in Sy.No.163 of Hydernagar village, Balanagar Mandal, Rangareddy District.

Accordingly, without expressing any opinion with regard to the claim made by the petitioners, the writ petition is disposed of with a direction to the second respondent-Mandal Revenue Officer to issue due notice to the petitioners herein and consider the objections/claims made by them in respect of the said lands before passing any order with regard to carrying out any amendment in the Record of Rights in respect of the land in question.

The Writ Petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 02-03-2005

Note: Furnish C.C. in two days.

B/o.

LSK

To

- 1 District Collector, Ranga Reddy District, Lakadikapul, Hyderabad.
- 2 Mandal Revenue Officer, Balanagar, Ranga Reddy District.
- 3 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad.
(O.U.T.)
- 4 Two C.D. copies.